



# BOARD OF ZONING ADJUSTMENTS

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Draft Agenda

May 9, 2016

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## **MEETING INFORMATION**

### Location

#### **City Council Chambers**

1<sup>st</sup> Floor, City Hall  
1300 Perdido Street  
New Orleans, Louisiana

### Time

10:00 a.m.  
*Decision Appeals are heard  
after 1 p.m.*

### Board Members

Candice M. Forest – Chair

Todd C. James – Vice Chair

Thomas McCall Screen

Jaime Ramiro Diaz

Alfonso Gonzalez II

Mary Harper Malone

The general public cannot speak  
with the members personally.

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The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 14 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **May 19, 2016**.

### General Rules of Order

Robert's Rules of Order govern the conduct of the meeting. Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a Speaker Card and place it in the Lucite box in the far wall in the Council Chambers. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

### Appeals

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

## **This is the Draft Agenda**

**Should you wish to view an application you may do so online at [onestopapp.nola.gov](http://onestopapp.nola.gov).** The requested waivers are subject to change prior to the hearing. Should you wish to submit comments on any of the matters included in the agenda, you may do so in the following ways:

E-mail – [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov) or the planner listed on the agenda  
Mail – 1300 Perdido Street Room 7W03, New Orleans, Louisiana 70112  
Fax – 504-658-7032

All written correspondence should include the docket number and be made to the attention of the Staff of the Board of Zoning Adjustments. The deadline for public comment is **no later than 5:00 p.m. on the Monday before the meeting.**

- A. Call to Order, Roll Call, Adoption of Minutes, Communications and Reading of Hearing Rules
- B. BZA Dockets – Former Comprehensive Zoning Ordinance<sup>1</sup> - Unfinished Business

**ITEM 1 – Docket Number: 157-15**

**Applicant or Agent:** Lawrence J. Springer, John F. Wheelock, Jr. and Melissa G. Wheelock  
**Property Location:** 2031 State Street **Zip:** 70118  
**Bounding Streets:** State St., Feret St., Richmond Pl., & Loyola Av.  
**Former Zoning:** RS-2 Single-Family Residential District  
**Current Zoning:** HU-RS Historic Urban Single-Family Residential District  
**Historic District:** N/A **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** Bloomingdale  
**Proposed Use:** Single-Family Residence **Lot Number:** B  
**Project Planner:** Danica Adams (dcadams@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 15, Section 15.2.3, and Article 15, Section 15.6.6 of the former Comprehensive Zoning Ordinance (CZO).

**Request:** This request is to permit two (2) parking spaces in the front yard and excessive paving of the required front yard area. **(AFTER THE FACT)**

**Requested Waivers:**

**Section 15.2.3 – Parking in Front Yards**

Required: 0 Spaces      Provided: 2 Spaces      Waiver: 2 Spaces

**Section 15.6.6 – Limitation of Pavement of Required Front Yard Areas**

Required: ≤ 40%      Provided: 51% (540 sq. ft.)      Waiver: 11% (120 sq. ft.)



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<sup>1</sup> The former Comprehensive Zoning Ordinance (CZO) was rendered ineffective as of August 12, 2015 with the adoption of a new Comprehensive Zoning Ordinance (CZO), however complete building applications prior to the adoption of the new CZO require zoning review and regulation under the former CZO.

**C. BZA Dockets – Current Comprehensive Zoning Ordinance<sup>2</sup> - Unfinished Business****ITEM 2 – Docket Number: 021-16**

**Applicant or Agent:** Juan M. Lopez, Brandie Bourg  
**Property Location:** 508 River Oaks Drive **Zip:** 70131  
**Bounding Streets:** River Oaks Dr., Anson St., Herschel St., Huntlee St.  
**Zoning District:** S-RS Single Family Residential District  
**Historic District:** N/A **Planning District:** 12  
**Existing Use:** Single-Family Residence **Square Number:** 206  
**Proposed Use:** Single-Family Residence **Lot Number:** 34  
**Project Planner:** Sabine Lebailleux (selebailleux@nola.gov)

**Request Citation:** This request is for a variance from the provisions of Article 22, Section 22.8.B.1.b of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the expansion of a single-family residence eliminating legal off-street parking and proposing parking in the front yard. **(AFTER THE FACT)**

**Requested Waiver:****Section 22.8.B.1.b – Front Yard Parking**

Permitted: None                      Proposed: 2                      Waiver: 2

**ITEM 3 – Docket Number: 025-16**

**Applicant or Agent:** Doug Kohnke, Jon Drennen  
**Property Location:** 1621 Valmont Street **Zip:** 70115  
**Bounding Streets:** St. Charles Ave., Dufossat St., Dryades St., Valmont St.  
**Zoning District:** HU-RD2 Two-Family Residential District  
**Historic District:** N/A **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** 445  
**Proposed Use:** Single-Family Residence **Lot Number:** Q & Part of R-1  
**Project Planner:** Tyler Antrup (tjantrup@nola.gov)

**Request Citation:** This is a request for a variance from the provisions of Article 21, Section 21.6.A.6 of the Comprehensive Zoning Ordinance.

**Request:** This is a request to permit the renovation of an accessory structure, resulting in excessive height.

**Requested Waiver:****Section 21.6.A.6 – Accessory Structures and Uses (Height)**

Required: 14'                      Provided: 17'-6"                      Waiver: 3'-6"



<sup>2</sup> The new Comprehensive Zoning Ordinance became effective August 12, 2015.

**D. BZA Dockets – Current Comprehensive Zoning Ordinance<sup>3</sup> - New Business**

**ITEM 4 – Docket Number: 030-16**

**Applicant or Agent:** Edward Lang  
**Property Location:** 5210 Coliseum Street **Zip:** 70115  
**Bounding Streets:** Coliseum St., Bellecastle St., Chestnut St., & Dufossat St.  
**Zoning District:** HU-RD2 Two-Family Residential District  
**Historic District:** N/A **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** 299  
**Proposed Use:** Single-Family Residence **Lot Number:** 14  
**Project Planner:** Danica Adams (dcadams@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A), and Article 22, Section 22.8.B.1(b), Section 22.11.B1, Section 22.11.B1.a.i, Section 22.11.B1.a.iii, Section 22.11.D.1, and Section 22.11.D.2 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit an off-street parking space in a required front yard with excessive impervious surface, excessive number of curb cuts, and insufficient lot width for a circular drive. **(AFTER THE FACT)**

**Requested Waivers:**

**Section 11.3.A.1 (Table 11-2A) - Maximum Impervious Surface - Front Yard**

Permitted: 40%      Provided: 57%      Waiver: 17%

**Section 22.8.B.1(b) - Permitted Vehicle Parking Locations (Residential Uses - Front Yard)**

Permitted: 0 Spaces      Provided: 1 Space      Waiver: 1 Space

**Section 22.11.B1 - Curb Cuts**

Permitted: 1 curb cut      Provided: 2 curb cuts      Waiver: 1 curb cut

**Section 22.11.B1.a.i - Curb Cuts**

Required: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space

**Section 22.11.B1.a.iii - Curb Cuts**

Required: 50' lot width      Provided: 45'      Waiver: 5'

**Section 22.11.D.1- Parking Pad Design for Single- and Two-Family Residential**

Permitted: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space

**Section 22.11.D2- Parking Pad Design for Single- and Two-Family Residential**

Permitted: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space



<sup>3</sup> The new Comprehensive Zoning Ordinance became effective August 12, 2015.

**ITEM 5 – Docket Number: 031-16**

**Applicant or Agent:** Kyle & Mary Gilmore  
**Property Location:** 608 Fourth Street **Zip:** 70130  
**Bounding Streets:** Fourth St., Washington Ave., St. Thomas St., & Chippewa St.  
**Zoning District:** HU-RD2 Two-Family Residential District  
**Historic District:** Irish Channel **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 59  
**Proposed Use:** Single-Family Residence **Lot Number:** X  
**Project Planner:** Brittany B DesRocher (bbdesrocher@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) and Article 21, Section 21.6.A.3 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the construction of a single-family residence with insufficient side yard width and an accessory structure that occupies more than forty percent (40%) of the required rear yard area.

**Requested Waivers:**

**Section 11.3.A.1 (Table 11-2A) – Side Yard**

Required: 3'                      Provided: 0'                      Waiver: 3'

**Section 21.6.A.3 – Accessory Structures and Uses (Rear Yard Coverage)**

Required: ≤40%                      Provided: 100%                      Waiver: 26%



**ITEM 6 – Docket Number: 032-16**

**Applicant or Agent:** Gary & Diane Wiltz  
**Property Location:** 1725 First Street **Zip:** 70113  
**Bounding Streets:** First St., Philip St., Baronne St., & Carondelet St.  
**Zoning District:** HU-RM1 Multi-Family Residential District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Single-Family Residence **Square Number:** 244  
**Proposed Use:** Single-Family Residence **Lot Number:** 7  
**Project Planner:** Larry Massey (lwmasey@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A), and Article 22, Section 22.8.B.1(b), Section 22.11.B1, Section 22.11.B1.a.i, Section 22.11.B1.a.ii, Section 22.11.B1.a.iii, Section 22.11.D.1, Section 22.11.D.2, and Section 22.11.D.3, of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit an off-street parking space in a required front yard with excessive impervious surface, insufficient minimum permeable open space, excessive number of curb cuts, insufficient lot width for a circular drive, insufficient setback for curb cuts, and insufficient setback for the parking pad. **(AFTER THE FACT)**

**Requested Waivers:****Section 11.3.A.1 (Table 11-2A) - Maximum Impervious Surface - Front Yard**

Permitted: 40%      Provided: 57%      Waiver: 17%

**Section 11.3.A.1 (Table 11-2A) – Minimum Permeable Open Space**

Required: 30%      Provided: 6%      Waiver: 24%

**Section 22.8.B.1(b) - Permitted Vehicle Parking Locations (Residential Uses - Front Yard)**

Permitted: 0 Spaces      Provided: 1 Space      Waiver: 1 Space

**Section 22.11.B1 - Curb Cuts**

Permitted: 1 curb cut      Provided: 2 curb cuts      Waiver: 1 curb cut

**Section 22.11.B1.a.i - Curb Cuts**

Required: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space

**Section 22.11.B1.a.ii - Curb Cuts**

Required: 3' setback from lot line      Provided: 0' setback on Baronne St. side      Waiver: 3'

**Section 22.11.B1.a.ii - Curb Cuts**

Required: 3' setback from lot line      Provided: 0' setback on Carondelet St. side      Waiver: 3'

**Section 22.11.B1.a.iii - Curb Cuts**

Required: 50' lot width      Provided: 30'      Waiver: 20'

**Section 22.11.D.1 - Parking Pad Design for Single- and Two-Family Residential**

Permitted: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space

**Section 22.11.D.2 - Parking Pad Design for Single- and Two-Family Residential**

Permitted: 0 spaces in front yard      Provided: 1 space      Waiver: 1 space

**Section 22.11.D.3 - Parking Pad Design for Single- and Two-Family Residential**

Required: 3' setback from lot line      Provided: 0' setback      Waiver: 3'



**ITEM 7 – Docket Number: 033-16**

**Applicant or Agent:** NORF 2 GCE Green St. Louis, LLC  
**Property Location:** 2600 Saint Louis Street **Zip:** 70119  
**Bounding Streets:** St. Louis St., N. Dorgenois St., Conti St., & N. Broad St.  
**Zoning District:** HU-MU Neighborhood Mixed-Use District GC Greenway Corridor Design  
**Historic District:** N/A **Planning District:** 4  
**Existing Use:** Vacant Lot **Square Number:** 335  
**Proposed Use:** Mixed-Use **Lot Number:** 25, 26, 27, 28, 29  
**Project Planner:** Tyler Antrup, Brooke Perry (tjantrup@nola.gov)

**Request Citation:** This request is for variances from the provisions of Article 23, Section 23.3.C.4 and Article 23, Section 23.3.C.11 of the Comprehensive Zoning Ordinance.

**Request:** This request is to permit the renovation of a structure with more than 5,000 square feet of impervious surface that does not capture the first one and one quarter inch (1.25”) of stormwater runoff during each rain event and whose post-development rate is not less than the pre-development runoff rate.

**Requested Waivers:**

**Section 23.3.C.4 – Content of Stormwater Management Plan**

Required: 1.25”      Provided: 0”      Waiver: 1.25”

**Section 23.3.C.11 – Content of Stormwater Management Plan**

Required: Post-Development Runoff Rate < Pre-Development Runoff Rate

Provided: Post-Development Runoff Rate = Pre-Development Runoff Rate

Waiver: Post-Development Runoff Rate < Pre-Development Runoff Rate



**E. Director of Safety and Permits Decision Appeals – New Business**

**ITEM 7 – Docket Number: 034-16**

**Applicant or Agent:** Justin B. Schmidt, B&G Food Enterprises, LLC, Cajun Broad, LLC  
**Property Location:** 225-233 N. Broad Street Wilkinson **Zip:** 70119  
**Bounding Streets:** N. Broad, Bienville, Iberville and N. White St.  
**Zoning District:** HU-MU  
**Historic District:** N/A **Planning District:** Planning  
**Existing Use:** Restaurant, Fast Food **Square Number:** 363  
**Proposed Use:** Restaurant, Fast Food **Lot Number:** 13, 14, 16B

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination that the HU-MU Neighborhood Mixed-Use District does not permit a fast-food restaurant with a drive-through window via the Conditional Use process and that the language in Section 12.2.B.3 prohibiting “drive-through facilities” except those that “...are proposed to be constructed in combination with a retail goods establishment in order to provide or dispense medical or pharmaceutical products,” is not a standard that can be waived through a variance.

**F. Adjournment**